

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

MACKENSIE LERARIO,

Plaintiff,

- against -

CORNELL UNIVERSITY, ET AL.,

Defendants.

---

20-cv-6295 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

In response to the letter by the Cornell defendants dated February 10, 2021, ECF No. 40, the request to strike the Second Amended Complaint is **denied**. Even if the Court granted a motion to dismiss, it likely would be without prejudice to filing an amended complaint. Because the plaintiff has now filed a Second Amended Complaint, even though unauthorized, the Court will accept the Second Amended Complaint. The motion to dismiss by the Cornell defendants directed against the first amended complaint is **denied** without prejudice as moot. The defendants may respond to the Second Amended Complaint with an answer or motion to dismiss by **March 5, 2021**. Any response to the motion is due **March 26, 2021**. Any reply is due **April 9, 2021**. The Clerk is directed to close docket numbers 32 and 35.

SO ORDERED.

Dated: New York, New York  
February 11, 2021

/s/ John G. Koeltl  
John G. Koeltl  
United States District Judge

